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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,879	06/06/2000	Nobuyoshi Morimoto	5596-00200	1074
7590 09/21/2007				
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			ART UNIT	PAPER NUMBER
			2143	
			MAIL DATE	DELIVERY MODE
			09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/588,879

Applicant(s)

MORIMOTO, NOBUYOSHI

Examiner

David E. England

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20, 22 - 30 and 32 - 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20, 22 - 30 and 32 - 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DL

DETAILED ACTION

1. Claims 1 – 20, 22 – 30 and 32 – 37 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 16, 18 – 20, 24, 26, 28 – 30, 33, 34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira in view of what is well known in the art.**

4. Referencing claim 16, as closely interpreted by the Examiner, Shapira teaches a system for identifying a distinct computer user accessing a web site, the system comprising:

5. a client computer system operated by one or more computer users, (e.g., col. 7, line 42 – col. 8, line 6);

6. a web site server computer system, (e.g., col. 7, line 42 – col. 8, line 6);

7. wherein the client computer system is operable to connect with the web site server for gaining access to said web site in response to requests from said one or more computer user, (e.g., col. 7, line 42 – col. 8, line 6); and

8. wherein the web site server is operable to:

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9. store one or more identifiers, wherein each identifier corresponds to a computer user accessing said web site, wherein said each identifier comprises an Internet address and a time value, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

10. receive a request from a first computer user to access the web site, wherein said request comprises a first identifier corresponding to said first computer user accessing said web site, wherein said first identifier comprises a first Internet address, and a first time value associated with a launch of a web browser that has a home page requested on the client computer system, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

11. search for an identifier matching said first identifier among said one or more stored identifiers, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

12. identify said first identifier as a distinct computer user if said searching for said first identifier did not result in a match, wherein a match comprises a match between the first Internet address, and the Internet address in one of said one or more stored identifiers and a match between the first time value and the time value in the one of said one or more stored identifiers, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

13. Shapira teaches the synchronization of time with the request of a web page but doesn't specifically teach wherein the time value is associated with a launch of a web browser on the client computer system.

14. It is well known in the art that browser applications can have a "home page" that is requested when the browser application is launched. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to synchronize a browser time with a global standard when the browser is launched because if the teachings of Shapira's

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synchronization with requested web pages were to occur with a “home page” that was triggered by the launching of the browser application then it would be obvious that the launching of the browser application would start the process of synchronizing the time as described above.

15. Referencing claim 18, as closely interpreted by the Examiner, Shapira teaches said client computer system comprises a personal computer or a laptop computer or a notebook computer or an Internet-enabled cellular phone or an Internet-enabled personal digital assistant or a web television system, (e.g., col. 3, line 53 – col. 4, line 2).

16. Referencing claim 24, as closely interpreted by the Examiner, Shapira teaches said Internet address is an Internet Protocol (IP) address, (e.g., col. 4, lines 27 – 50).

17. Claims 19, 20, 26, 28 – 30, 33, 34, 36 and 37 are rejected for similar reasons as stated above.

18. Claims 1 – 3, 5, 7 – 9, 11, 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira in view of Gerace (5991735).

19. As per claim 1, as closely interpreted by the Examiner, Shapira teaches a method for identifying distinct users accessing a web site, the method comprising:

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20. storing one or more records in a database, wherein each record comprises an Internet address and a time value, and wherein each record corresponds to a different computer accessing said web site, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

21. receiving a first request from a first computer to access the web site, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

22. receiving said information, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6);

23. determining whether a matching record for said first Internet address and said first time value exists in said database, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6); and

24. identifying said first computer as a distinct user if said matching record does not exist in said database, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

25. However, Shapira does not specifically teach a separate request for information to said first computer, wherein said information comprises a first Internet address and a first time value corresponding to said first computer.

26. Gerace teaches a separate request for information to said first computer, wherein said information comprises a first Internet address and a first time value corresponding to said first computer, (e.g., col. 13, line 56 – col. 14, lines 25, *“stored locally on user’s PC is a cookie”*, *“request for a cookie”*, *“newly built cookie is a unique user identification code, time and date of login, and computer identification number”* & col. 16, lines 45 – 55, *“cookie”*), by utilizing a login procedure that also requests information that contains a time and date of login and a computer identification number, which could be interpreted as an Internet address. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Gerace with Shapira because requesting a login from a user enables a the system to identify who

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the specific user is and what their preferences are if they have set up an account. Also, it is well known in the art that utilizing a login and identification system enables a system added security from predators that are not privileged to specific information pertaining to a user.

27. As per claim 2, as closely interpreted by the Examiner, Shapira teaches said time value is associated with a user-defined event, (e.g., col. 5, lines 4 – 19).

28. As per claim 3, as closely interpreted by the Examiner, Shapira teaches said user-defined event is a launch of a web browser software on said first computer system, (e.g., col. 5, lines 4 – 19). It is well known in the art that browser applications can have a “home page” that is requested when the browser application is launched. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to synchronize a browser time with a global standard when the browser is launched because if the teachings of Shapira’s synchronization with requested web pages were to occur with a “home page” that was triggered by the launching of the browser application then it would be obvious that the launching of the browser application would start the process of synchronizing the time as described above.

29. As per claim 5, as closely interpreted by the Examiner, Shapira teaches said Internet address is an Internet Protocol (IP) address, (e.g., col. 4, lines 27 – 50).

30. As per claim 7, as closely interpreted by the Examiner, Shapira teaches generating and updating a timestamp for each record, wherein said identifying comprises identifying said first

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computer user as a distinct computer user only if said matching record does not exist in said database or if said timestamp for said matching record is older than a predetermined maximum time, (e.g., col. 4, lines 27 – 50 & col. 7, line 42 – col. 8, line 6).

31. As per claim 8, as closely interpreted by the Examiner, Shapira teaches said first computer is a personal computer, a laptop computer, a notebook computer, an Internet-enabled cellular phone, an Internet-enabled personal digital assistant, or an Internet-enabled television, (e.g., col. 4, lines 27 – 50).

32. Claims 9, 11, 12, 14 and 15 are rejected for similar reasons as stated above.

33. Claims 4, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira and Gerace as applied above, and in further view of Bodnar et al. (6295541) (hereinafter Bodnar).

34. As per claim 4, as closely interpreted by the Examiner, Shapira and Gerace teach said time value is generated by a time keeping device as described above but do not specifically teach wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock. Bodnar teaches said time keeping device is configured to synchronize said time value with a global time keeping standard clock, (e.g., col. 9, lines 18 – 60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bodnar with the combine system of Shapira and Gerace because synchronizing clocks

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minimizes problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device.

35. Claims 10 and 13 are rejected for similar reasons as stated above.

36. Claims 17, 23, 27, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira as applied above, and in view of Bodnar et al. (6295541) (hereinafter Bodnar).

37. As per claim 17, as closely interpreted by the Examiner, Shapira teaches said time value is generated by a time keeping device as described above but do not specifically teach wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock. Bodnar teaches said time keeping device is configured to synchronize said time value with a global time keeping standard clock, (e.g., col. 9, lines 18 – 60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bodnar with Shapira because synchronizing clocks minimizes problems due to any relative drift in the devices' clocks, such as drifts caused by clock inaccuracies or drifts caused by the user's re-setting of a clock on a device.

38. Claims 23, 27, 32 and 35 are rejected for similar reasons as stated above.

39. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira and Gerace as applied above, and in view of Farrow et al. (6374295) (hereinafter Farrow).

40. As per claim 6, as closely interpreted by the Examiner, Shapira and Gerace do not specifically teach the database is an object oriented database or a relational database. Farrow teaches the database is an object oriented database or a relational database, (e.g., col. 3, line 61 – col. 4, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farrow with the combine system of Shapira and Gerace because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility.

41. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shapira as applied above, and in view of Farrow et al. (6374295) (hereinafter Farrow).

42. As per claim 25, as closely interpreted by the Examiner, Shapira does not specifically teach the database is an object oriented database or a relational database. Farrow teaches the database is an object oriented database or a relational database, (e.g., col. 3, line 61 – col. 4, line 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Farrow with Shapira because relational databases can log any configuration changes in a separate area, therefore, giving the system possible versatility.

Response to Arguments

43. Applicant's arguments filed 06/29/2007 have been fully considered but they are not persuasive.

44. **In the Remarks**, Applicant argues in substance that nothing is mentioned regarding the request including a time value associated with a launch of a web browser on a client computer. In fact, nowhere does Shapira associate a time value with the launch of a web browser on a client computer. Instead, the only time value Shapira mentions is the time of the Internet request as stored in the web log (and as determined by the server). Shapira states in column 5, lines 40-45, "This entry 11a stores several important pieces of information. Entry 11a stores the remote visitor's Internet address (visitor.sample.org), the time and date of the request ([12/Jan/1996:20:37:55], or Jan. 12, 1996, at 8:37:55 PM, Greenwich Mean Time, the request issued by the remote visitor 12 (Get/portal-ad.htm HTTP/1.0) and the referring URL." There is nothing in this passage that indicates that such a time value is received in the requests themselves (i.e., as part of an identifier received with the request), as required by Applicant's claim.

45. As to the First Remark, Applicant is asked to draw their attention to column 5, lines 35 et seq. It states, "*Upon **Receiving** the traffic data hit 11a...*", which is very clear that the server receives the traffic data hit 11a and that what is sent in this traffic data hit, as explained in the tables found in column 4, is a GMT time of the request. Therefore it is clear that the prior art of Shapira teaches this limitation as claimed.

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46. **In the Remarks**, Applicant argues in substance that Shapira does not disclose⁴ using a time value associated with a launch of a web browser on the client computer system.

47. As to the Second Remark, Examiner has stated in the 103 rejection that it is well known in the art that when a browser is launched, that a Home page can be called upon automatically and loaded onto a client computer. This understanding of what is well known in the art with the combine teachings of Shapira, teaches the claimed invention. The Applicant's claim language reads, "a time value associated with a launch of a web browser". With the Examiner's scenario, a browser is opened and the "home page" is called upon which would send a Traffic Data Hit, associated with Shapira, and in this traffic data hit there would be a time of request as taught by Shapira. Therefore the time value that is sent with the requested home page is associated with the launch of the web browser and therefore reads on the claim language.

48. Applicant states that this is not supported by the cited art. It is well known in the art that Microsoft's® Internet Explorer, that can be found in numerous publications and predates this application, has the ability to have a home page of the user's choosing open when Internet Explorer is launched. Netscape® Internet Browser's also have this ability. This in combination with the cited prior art, teaches the claimed language.

49. **In the Remarks**, Applicant argues in substance that Shapira does not teach any synchronization when a web site is launched, much less receiving a request that includes a time value reflecting a time at which a computer was synchronized with a global time standard, or comparing such a synchronization time values with stored synchronization time values. Shapira

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describes that the time of a request may be stored in terms of GMT time. However, no synchronization would be necessary for the server to store the time in this way, since the server itself determines and stores the time itself. In other words, Shapira's server does not receive a time value with a request at all, so it does not receive a time value that must be synchronized. In addition, there is nothing to suggest receiving an indication of a synchronization time with a request or that such an indication would be useful in Shapira's system. Shapira's system determines visitor sessions using a

50. As to the Third Remark, Examiner has already stated that Shapira teaches sending a time value with the requested web page. The claim language states, "*wherein the time value **reflects** a time at which a computer used by the first computer user to access the web site **was** synchronized with a **global time standard***" ... " *wherein time value information in each entry of said database is associated with a time at which a computer used by a computer user to access the web site **was** synchronized with a **global time standard***". The key word is "was" synchronized. As can be clearly seen in the tables of Shapira in column 4 and as pointed out by the Applicant in column 5, lines 41 et seq., the prior art shows the use of Greenwich Mean Time, GMT, which is known as a global standard time. If the system of Shapira uses GMT that would mean that Shapira's time "Reflects" the GMT, which would mean that Shapira's time is "synchronized" with the time used by the Global standard time. So at one point, Shapira's time was set or "synchronized" with a global time standard. Therefore the prior art teaches the claim language as stated by the Applicant.

51. **In the Remarks**, Applicant argues in substance that the combination of Shapira and Gerace fails to teach storing one or more records in a database, where each record comprises an Internet address and a time value, *where each record corresponds to a different computer accessing the web site*. Furthermore, that Shapira teaches a system that analyzes a web site's log files that track every exchange of traffic data between the web site and other computers to match visitors with advertising campaigns and to determine the value or quality of visitors.

52. As to the Fourth Remark, Examiner sees nothing different between the prior art and the Applicant's claim language. The claim language states one or more records and where each record corresponds to a different computer accessing the web site. The prior art teaches multiple records of multiple users. Therefore, the records do correspond to a different computer accessing the web site.

53. **In the Remarks**, Applicant argues in substance that the combine teachings of Shapira and Gerace fails to teach or suggest "receiving a first request from a first computer to access the web site, sending a request for information to the first computer, where the information includes a first Internet address and a first time value corresponding to the first computer, receiving the information and determining whether a matching record for the first Internet address and the first time value exists in the database.

54. Shapira teaches that each time a computer accesses the web server, the traffic data history is stored in a log file. Each record in the log file includes the IP address and the date/time of the access (Shapira, column 4, lines 26-49). Shapira teaches that the log of hit information is then

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analyzed to assign qualification profiles to the visitor's session in order to evaluate the quality and/or value of the visitor. Shapira's system already includes determining the IP address and the date/time of access from the traffic hit data supplied when the client computer requests access to web pages. **Thus, there would be no need to modify Shapira's system to include the cookies of Gerace to collect this information.**

55. As to the Fifth Remark, the combination of Shapira and Gerace follows the same rational as the Applicant's claimed invention, i.e., why resend for information that the server would already have. The Applicant's invention claims that once a request from a user is received at the server, **the server sends a request for the user's Internet address and time value**. If the server is going to send a response to a user's computer that just sent a request to that server, that would mean that the server **has the IP address of the requesting user's computer**. Why would the Applicant's claimed invention need to ask for the user's computer Internet address if the server is using it to send that request. Using the Applicant's same rational, the Examiner has combined Shapira and Gerace for the same interpretation that the Applicant has given in their invention. Furthermore, Shapira states that different formats of the traffic data hits 11 are also possible and would be known to one skilled in the art, e.g., col. 4, line 63 – col. 5, line 3. Therefore, the use of Gerace's cookie's and the information stored in those cookies, time and IP address, in combination with Shapira, teaches the claim language.

56. All other arguments fall under the same rational as already discussed above and are still rejected for those reasons.

Conclusion

57. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

58. a. Hansen et al. U.S. Patent No. 6449604 discloses Method for characterizing and visualizing patterns of usage of a web site by network users.

59. b. Hansen et al. U.S. Patent No. 6182097 discloses Method for characterizing and visualizing patterns of usage of a web site by network users.

60. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

David E. England
Examiner
Art Unit 2143

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